

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff

HON. NANCY G. EDMUNDS  
CASE NO.: 2:09-CR-20326

vs.

CLARENCE COHEN

Defendant.

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**MOTION TO WITHDRAW AS COUNSEL**

Defense counsel, Stefanie Lambert Juntila, requests that this Court grant her motion for the following reasons:

1. Defendant has a pending Motion to Reduce Sentence (R. 581) filed through counsel.
2. Defense counsel is retained.

3. There has been a breakdown of the attorney client relationship such that counsel should not represent Defendant.
4. Defendant has filed a Motion to Strike Motion to Reduce Sentence 581 and intends to represent himself. (R. 585).
5. Additionally, the Government filed a Response to Defendant's Motion to Reduce Sentence on December 28, 2020, stating that Defendant had not exhausted his administrative remedies and the Bureau of Prisons has no record of a request for Compassionate Release or Reduction in Sentence from Defendant. (R. 584, PgID 2377).
6. Defendant made a request, through counsel, to the warden on November 2, 2020. In addition to the letter filed as an exhibit to Motion to Reduce Sentence, counsel is attaching the email sent the warden reflecting date and time the warden received Defendant's request exhausting administrative remedies. (Exhibit 1).

**WHEREFORE**, counsel requests that the Court permit her to withdraw and appoint new counsel for Defendant.

/s/ Stefanie Lambert Juntila

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Dated: January 12, 2021

## BRIEF IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL

### STATEMENT OF ISSUE PRESENTED

- I. SHOULD COUNSEL BE PERMITTED TO WITHDRAW WHERE THERE HAS BEEN A CLEAR BREAKDOWN IN THE ATTORNEY CLIENT RELATIONSHIP?

Answer: Yes.

### ARGUMENT

Counsel should be permitted to withdraw where there has been a clear breakdown in the attorney-client relationship. A criminal defendant is entitled to a reasonable opportunity to be represented by an attorney with whom he/she has a relationship of trust and cooperation. Where there has been a breakdown of the attorney-client relationship, an attorney should be permitted to withdraw. *Wilson v. Mintzes*, 761 F2d 275, 278-280 (6<sup>th</sup> Cir 1985); *Linton v Perini*, 656 F2d 207, 209 (6<sup>th</sup> Cir 1981); U.S. Const., Am. VI.

Defendant Cohen has filed a Motion to Strike Motion to Reduce Sentence (R. 581) requesting to represent himself (R. 585). A substantial breakdown in the attorney-client relationship which has occurred in this case, the Court should grant counsel's motion to withdraw as attorney of record for the defendant.

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January 12, 2021

**CERTIFICATE OF SERVICE**

I hereby certify that on January 12, 2021, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to the attorneys of record.

/s/ Stefanie Lambert Junttila